

REMARKS

This Amendment is being filed in response to the Final Office Action mailed April 26, 2010, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3 and 5-8 are pending in this application, where claims 1 and 7 are independent.

By means of the present amendment, FIGs 5a and 5b have been amended to better clarify that there are no conductive paths across the two legs between the power source 30 and the motor 16, in conformance with the specification, such as page 4, lines 26-26, where the specification has also been amended to better describe FIG 5a. Further, reference numerals 40, 50, 42, 52, 44, 54, 46 and 56 have been added to FIG 5a, where the same reference numerals except for 44, 54 have also been added to FIG 5b. A replacement sheet including FIGs 5a and 5b is enclosed. Applicant respectfully requests approval of the enclosed proposed drawing changes.

In the Final Office Action, claims 1, 3 and 5-8 are rejected under 35 U.S.C. §112, first paragraph. Applicant respectfully disagrees and submits that the Application fully complies with the enablement requirement. It is respectfully submitted that the application clearly sets out that, such as from page 4, line 26 to page 5, line 5 of the specification as

originally filed (illustrative emphasis provided):

When the operating member 8 is in the position shown in Figure 5a, a first pole of the power source 30 is connected via the conductors 32, 36 and 34 to a first electrical contact of the motor 16, while the other, second pole of the power source 30 is connected via the conductors 33, 36 and 35 to the other, second electrical contact of the motor 16.

Sliding the operating member 8 in the direction indicated by arrow E in Figure 5a brings the operating member 8 into the position shown in Fig. 5b. In this position of the operating member, the first pole of the power source 30 is connected via the conductors 32, 36 and 35 to the second electrical contact of the motor 16, while the other, second pole of the power source 30 is connected via the conductors 33, 36 and 34 to the first electrical contact of the motor 16. Sliding the operating member 8 in the direction indicated by arrow F in Fig. 5b moves the operating member 8 into the position shown in Fig. 5a. The directions E and F indicated in Figs. 5a and 5b correspond to the directions A indicated in Fig. 3. Thus the reversing means for reversing the sense of rotation of the motor 16 are integrated in the operating member 8 for putting the trimmer into and out of operation.

It is respectfully submitted that one skilled in the art, as also recognized by the Examiner, would recognize that the original FIG 5a does not clearly show its description in the specification where, however, it is clear from the original specification as filed, e.g., as noted in the above specification portion, that the motor 18 is reversed by reversing polarity provided from the power source 30, without having any crossovers in FIG 5a. Otherwise, one skilled in the art, as also recognized by the Examiner, would recognize that the motor would not operate properly when there is any cross over connection in FIG 5a. Further, the ambiguity noted by the Examiner related to ends of the contacts of wires 36 being conductive has been currently clarified by amending the specification. (See Final Office Action, page 2, last line) Just as the Examiner has recognized, one skilled in the art would

also recognize from the specification and FIGs 5a, 5b, as originally filed, e.g., page 4, line 21 to page 5, line 5, that there are various ways to reverse the connections between the power source 30 and motor 16, where the clarification of the specification and FIGs 5a, 5b by the present amendment are 'very simple and straightforward' and readily recognized by those skilled in the art from the originally filed specification and FIGs 5a, 5b. Accordingly, no new matter has been added and withdrawal of this rejection of claims 1, 3 and 5-8 under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Final Office Action, claims 1-3, 5 and 7 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,213,536 (Futterer) and in view of U.S. Patent No. 5,701,673 (Ullmann). Further, claims 1-3 and 5-8 are rejected under 35 U.S.C. §103(a) over Futterer in view of Ullmann and U.S. Patent No. 4,355,464 (Bergsma). It is respectfully submitted that claims 1, 3 and 5-8 are patentable over Futterer, Ullmann and Bergsma for at least the following reasons.

Futterer is directed to dry shaver having two cutters. A drive shaft 1 is selectively rotated in either direction. The shaft is rotatable in one direction for driving the first cutter (for short hair cutting) and is rotatable in the opposite direction for driving the second cutter (for long hair cutting). As recited on 3, lines 29-44 and line 75, upon or in response to reversing the rotation direction of the drive shaft 1, **via a reversing switch 28**, either the first or second cutters are is driven. That is, driving the first or the second cutters is achieved by "rocking the switch 28 in the opposite switching position." (Futterer, column 4,

lines 21-22)

Ullmann is directed to a dry shaving apparatus having a switch 4 with four positions, namely, a first OFF position as shown in FIG 2a, a first ON position as shown in FIG 3a, a second ON position as shown in FIG 4a, and a second OFF position as shown in FIG 5a, where the trimmer 7 is de-activated but remains in the extended position P shown in FIGs 1 and 4a. Ullmann is completely silent about and reversing device configured to reverse the drive direction.

It is respectfully submitted that the Futterer and Ullmann, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 7 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the reversing means co-operate with the trimmer for reversing said sense of rotation in response to an action of putting said trimmer into and out of an operation position.

Reversing the rotation sense in response to putting the trimmer into and out of an operation position is nowhere disclosed or suggested in Futterer, Ullmann and combination thereof. Rather, Futterer discloses driving the first or the second cutters in response to moving the switch 28 in the opposite switching position, as specifically recited on column 4, lines 21-22.

Applicant further refutes the allegation that each reference is individually attacked, as noted on page 5, the last paragraph of the Final Office Action. At best, the combination

Futterer and Ullmann discloses a shaver having a switch with various positions, where power is applied to the trimmer in one switch position, and polarity is reversed in another switch position. A reversing device which is integrated in a switch so that the rotation sense is automatically reversed by putting the trimmer into and out of the operation position is nowhere disclosed or suggested in Futterer and Ullmann, alone or in combination.

Further, as noted in the paragraph spanning pages 5-6 of the Final Office Action, Applicant agrees that the present invention is a 'very simple and straightforward' modification of the prior art, but only using impermissible hindsight, where such a 'very simple and straightforward' is not obvious. If such a modification was obvious, and assuming arguendo that there is 'excellent motivation,' then why wasn't such a so called obvious modification disclosed or suggested in Futterer and Ullmann, or other prior art references. Despite the 'very simple and straightforward' solution with substantial benefits or providing an integrated, automatic, and cost effective way to reverse the rotation in response to putting the trimmer into and out of an operation position, none of the prior art references, alone or in combination, disclose or suggest such an elegant solution, namely, to reverse the rotation in response to putting the trimmer into and out of an operation position, as recited in independent claims 1 and 7.

It is respectfully submitted that making these modifications was not obvious to Futterer and Ullmann and only appears obvious based on hindsight provided by the present patent application. In consideration of the use of improper hindsight for rendering a claim

obvious in light of prior art, the Federal Circuit has stated that "to draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction - an illogical and inappropriate process by which to determine patentability." (*Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 38 USPQ2d 1551 (Fed. Cir. 1996). "To imbue one of ordinary skill in the art with knowledge of the invention ensued, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." (*In re Zurko*, 111 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997). "A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field (cited reference omitted). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one 'to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher (cited references omitted).'" (*In re Kotzab*, 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000).

A claim "is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007). The Office must also establish that one of ordinary skill in the art would

have had a reasonable expectation of success that the purported modification or combination of reference teachings would have been successful. In re Merck & Co., Inc., 800 F.2d 1091, 1097 (Fed. Cir. 1986). There must also be "an apparent reason to combine the known elements in the fashion claimed by the patent at issue." KSR at 1396. That reason must be found in the prior art, common knowledge, or derived from the nature of the problem itself, and not based on the Applicant's disclosure. DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co., 464 F.3d 1356, 1367 (Fed. Cir. 2006). A mere conclusory statement that one of ordinary skill in the art would have been motivated to combine or modify reference teachings will not suffice. KSR at 1396.

It is respectfully submitted that modifying the Futterer disclosure of driving a first or a second cutter in response to moving a switch 28 in the opposite switching position, with the disclosure of a four positions switch 4 of Ullmann does not render obvious "reversing said sense of rotation **in response to** an action of putting said **trimmer** into and out of an operation position," as recited in independent claim 1, and similarly recited in independent claim 7. (Illustrative emphasis provided) Bergsma is cited to allegedly show other features and does not remedy the deficiencies in Futterer and Ullmann.

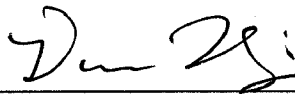
Accordingly, it is respectfully requested that independent claims 1 and 7 be allowed. In addition, it is respectfully submitted that claim 3, 5-6 and 8 should also be allowed at least based on their dependence from independent claims 1 and 7, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate

consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Enclosure: Replacement drawing sheet (1 sheet including FIGs 5a and 5b)

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